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09/723,385	11/28/2000	David Carver	07442-023001	7191

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EXAMINER	
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ART UNIT	**PAPER NUMBER**
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/723,385	CARVER ET AL.	
	Examiner	Art Unit	
	Joseph G. Ustaris	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *308-318,341-355,375-382,384,388-405 and 423* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *308-318,341-355,375-382,384,388-405 and 423* is/are rejected.

7)☒ Claim(s) *380* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the amendment dated October 16, 2006 in application 09/723,385.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 380-405 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 83-108 of copending Application No. 10/455,916 in view of Swix et al. (US006718551B1).

Claim 380 in the instant application corresponds to claim 83 in application 10/455,916 with the limitations of "the inventory of opportunities having a plurality of attributes" and "one or more of instructions, procedures, and software programs that discover inventory for binding to the advertisements". Swix discloses the above limitations, e.g. the advertising opportunities are associated with either a interactive session or a broadcast environment and are also associated with a customer profile/demographic group (See Fig. 3, 300; Fig. 4, A1, A2, A4; Fig. 5, Ad 1; column 9 lines 17-44) and the targeted advertisement includes information that enables the advertisement to be classified in a demographic group (See column 6 lines 8-24, column 7 lines 19-42, and column 11 lines 23-33) which is used to direct or instruct the profile processor to create the full instructions needed to discover the appropriate inventory and bind the advertisements with the appropriate inventory. Therefore, it would have been obvious to modify claim 83 in application 10/455,916 to include these

features in order to provide a more accurate and efficient means of targeting advertisements to the users.

Allowance of claim 380 would result in the unwarranted time-use extension of the monopoly that would be granted for the invention as defined in claim 83 in application 10/455,916 if issued.

Claims 381-405 in the instant application corresponds to claims 84-108 in application 10/455,916 respectively.

This is a provisional obviousness-type double patenting rejection.

Claim Objections

3. Claim 380 is objected to because of the following informalities: Claim 380 line 9 recites "discovered by to the one". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 308-318, 341-343, 347-355, 375-376, 380-381, 384, 388-390, 392-405, and 423 are rejected under 35 U.S.C. 102(e) as being anticipated by Swix et al. (US006718551B1).

Regarding claim 308, Swix et al. (Swix) discloses a content and service handling method, where it distributes broadcast streams and pay-per-view movies to a number of set-top boxes (STBs) (See Fig. 1; column 4 lines 39-65). The system maintains an inventory of advertising opportunities in content and services, the inventory of advertising opportunities having a plurality of attributes (e.g. the advertising opportunities are associated with either a interactive session or a broadcast environment and are also associated with a customer profile/demographic group) (See Fig. 3, 300; Fig. 4, A1, A2, A4; Fig. 5, Ad 1; column 9 lines 17-44). The system binds inventory with advertisements based at least in part on a binding function (wherein the "binding function" is represented by whether the customer profile/demographic groups is equal to or not equal to the demographic groups of the advertisement) (See column 11 lines 23-33), each advertisement including advertising content (e.g. advertisements offers products and services) (See column 3 lines 25-47) and additional information about the advertising content for computing the binding function (e.g. information that enables the advertisement to be classified in a demographic group that the products and services would most appeal to) (See column 6 lines 8-24, column 11 lines 23-33, and column 12 lines 47-57), the binding function compiling a set of advertisements for binding to the inventory of advertising opportunities (e.g. the system is able to select and insert advertisements into various advertisement slots within menus, broadcast streams, and pay-per-view movies) (See Fig. 3, 300; Fig. 4, A1, A2, A4; Fig. 5, Ad 1; column 9 lines 17-44) by matching the additional information about the advertising content of each advertisement (e.g. information that enables the advertisement to be classified in a demographic group that the products and services would most appeal to)

(See column 6 lines 8-24, column 11 lines 23-33, and column 12 lines 47-57) against the plurality of inventory attributes (e.g. the advertising opportunities are associated with either a interactive session or a broadcast environment and are also associated with a customer profile/demographic group) (See Fig. 3, 300; Fig. 4, A1, A2, A4; Fig. 5, Ad 1; column 9 lines 17-44).

Regarding claim 309, the broadcast streams and pay-per-view movies "bounded" with advertisements are delivered to the STBs (See Fig. 1).

Regarding claim 310, the "inventory" is controlled by a media service provider or "an entity" (See column 3 line 65 – column 4 line 14).

Regarding claim 311, the media service provider discussed in claim 310 is also considered the "service provider".

Regarding claim 312, the media service provider discussed in claim 310 is also considered a "network affiliate", where inherently the head end is "affiliated" with various sources that provides the continuous broadcast programs, pay-per-view movies, and advertisements (See column 3 line 65 – column 4 line 14 and column 4 lines 58-65).

Regarding claim 313, the media service provider discussed in claim 310 is also considered a "network provider", wherein the head end provides continuous broadcast streams and pay-per-view movies that are inherently from various other sources or "networks" as discussed in claim 312.

Regarding claim 314, the media service provider discussed in claim 310 is also considered a "content provider", wherein the head end provides "content" to its viewers.

Regarding claim 315, the "inventory" is controlled "by a plurality of entities", wherein the broadcast stream has predetermined advertisement slots filled in with

national advertisements by inherently other sources or can be replaced with targeted advertisements by the media service provider operating the head end (See Fig. 5; column 13 lines 10-23).

Regarding claim 316, "different portions of the inventory are controlled by a plurality of entities", wherein the broadcast stream discussed in claim 315 have predetermined advertisement slots filled in with national advertisements by inherently other sources or the media service provider operating the head end can provide advertisements within menu screens and with pay-per-view movies (See Figs. 3-5).

Regarding claim 317, the media service provider operating the head end can replace national advertisements within a broadcast stream with targeted advertisements or "binding advertisements by an operator on behalf of the plurality of entities" (See Fig. 5; column 12 line 60 – column 13 line 23).

Regarding claim 318, the delivery of pay-per-view movies "is in response to a request for content" (See column 12 lines 47-59).

Regarding claim 341, the advertisements are classified in demographic groups or "have guidance information" (See column 11 lines 23-33).

Regarding claim 342, the classification of the advertisements discussed in claim 341 is also considered "advertisement insertion information", wherein it is used to select and insert the appropriate advertisements for various customer profiles and demographic groups.

Regarding claim 343, the advertisements discussed in claim 341 are classified in demographic groups or "information about an intended audience".

Claim 347 contains the limitations of claim 308 (wherein the head end stores advertisements (See column 7 lines 19-30) and each advertisement is a targeted advertisement that includes "advertising content" (See column 3 lines 25-47, advertisements offers products and services) and information that enables the advertisement to be classified in a demographic group or "each of the advertisements including guidance information" (See column 6 lines 8-24 and column 11 lines 23-33)) and is analyzed as previously discussed with respect to that claim. Furthermore, the system binds the advertisements according to the demographic groups of the consumers and advertisements or "based at least in part on a binding function computed using the guidance information" (See column 6 lines 8-24 and column 11 lines 23-33).

Claim 348 contains the limitations of claims 309 and 347 (wherein the advertisements and contents are delivered to a STB or "terminal device" (See Fig. 1)) and is analyzed as previously discussed with respect to those claims.

Regarding claim 349, the "terminal device" is a STB (See Fig. 1).

Claim 350 contains the limitations of claims 310 and 347 and is analyzed as previously discussed with respect to those claims.

Regarding claim 351, the media service provider discussed in claims 310 and 350 is also considered a "local network operator", wherein the media service provider operates the head end that is accessed by the network that is local with respect to the STBs (See Fig. 1).

Claim 352 contains the limitations of claims 312 and 350 and is analyzed as previously discussed with respect to those claims.

Claim 353 contains the limitations of claims 313 and 350 and is analyzed as previously discussed with respect to those claims.

Claim 354 contains the limitations of claims 314 and 350 and is analyzed as previously discussed with respect to those claims.

Claim 355 contains the limitations of claims 315 and 347 and is analyzed as previously discussed with respect to those claims.

Claim 375 contains the limitations of claims 342 and 347 and is analyzed as previously discussed with respect to those claims.

Claim 376 contains the limitations of claims 343 and 347 and is analyzed as previously discussed with respect to those claims.

Claim 380 contains the limitations of claim 308 and is analyzed as previously discussed with respect to that claim. Wherein the system also performs the "method for placement of advertising content or services for presentation". The system "maintains an inventory of opportunities...the inventory of opportunities having a plurality of attributes" as discussed in claim 308 during delivery of the broadcast streams, pay-per-view movies, and menus (See Figs. 3-5). The file server within the head end inherently "imports" and stores targeted advertisements, where the targeted advertisements includes part of the instructions, where each targeted advertisement includes information that enables the advertisement to be classified in a demographic group (See column 6 lines 8-24, column 7 lines 19-42, and column 11 lines 23-33) which is used to direct or instruct the profile processor to create the full instructions needed to discover the appropriate inventory and bind the advertisements with the appropriate inventory. The system "binds the advertisements to the inventory" found by following the

instructions from the profile processor or "according to one or more of instructions or software programs...associated with the advertising", where the profile processor creates the instructions according to the customer profile and demographic group of the advertisements (See column 6 lines 8-24, column 7 lines 31-42, and column 11 lines 23-33). Then the system places or replaces the advertisements within the menus, broadcast streams, and pay-per-view movies with advertisements or "composing advertising content associated with the advertisements with the content or services" (See Figs. 3-5).

Regarding claim 381, the broadcast streams and pay-per-view movies are delivered to one or more users (See Fig. 1).

Regarding claim 384, the "binding the advertisements to the inventory" uses part of the instructions included with each advertisement as discussed in claim 380 to locate the targeted customer profiles or "user information" to be factored into the "binding decision" (See Swix column 11 lines 23-33).

Regarding claim 388, the broadcast streams, menus, and pay-per-view moves or "content or services" have advertisements slots or "ancillary data associated with the content or services" (See Fig. 3, 300; Fig. 4, A1, A2, A4; Fig. 5, Ad 1; column 9 lines 17-44).

Regarding claim 389, the advertisement slots discussed in claim 388 show the "available advertising times associated with the content or services".

Regarding claim 390, the advertisement slots are delivered within a broadcast stream (See Fig. 5, 500) or "conveyed in-band with its associated content".

Regarding claim 392, the system also "imports and stores" customer profile data that is used to select appropriate advertisements that would appeal to the interest of the viewer or "data associated with the advertisements for use to associate advertising content with other content" (See column 6 line 60 – column 7 line 42).

Regarding claim 393, the customer profile data discussed in claim 392 is used to "bind advertisements to the inventory" (See column 11 lines 23-33).

Regarding claim 394, the "binding of the advertisements to the inventory" is optimized by using the customer profile data that includes "information about the content and services" and the classification of the advertisements under certain demographic groups or "information about available advertisements" (See column 11 lines 23-33 and lines 59-67).

Regarding claim 395, the advertising is optimized by placing the advertisements within the advertisement slots or "advertising placement schedules" (See Fig. 3, 300; Fig. 4, A1, A2, A4; Fig. 5, Ad 1; column 9 lines 17-44).

Regarding claim 396, the "inventory" is also a "dynamically appearing inventory", wherein various advertising opportunities appear whenever a view orders a pay-per-view movie or various opportunities appear in a broadcast steam (See Figs. 4 and 5; column 11 line 59 – column 12 line 19).

Regarding claim 397, the pay-per-view movies discussed in claim 396 are considered "time-shifted viewing", wherein the viewers order the movies and it delivered after it has been ordered.

Regarding claim 398, the head end dynamically builds a playlist of targeted advertisements with the ordered movie or "dynamic binding of the advertisements to the

dynamically appearing inventory before it is consumed" (See Fig. 4; column 12 lines 1-19).

Regarding claim 399, the "dynamic binding includes binding the advertisements just in time before the inventory is consumed" (See column 12 lines 47-59).

Regarding claim 400, the national advertisements within the broadcast stream are replaced with targeted advertisements or "replacing advertising content in the content or services" (See Fig. 5; column 12 line 60 – column 13 line 23).

Claim 401 contains the limitations of claims 380 and 400 and is analyzed as previously discussed with respect to those claims.

Regarding claim 402, the head end is controlled by the media service provider (See column 4 lines 1-14) that controls the distribution of pay-per-view movies inherently from other sources or "originators" (See column 11 line 59 – column 12 line 19) and the contents of the broadcast streams are inherently from other sources or "numerous originators" (See Fig. 5; column 13 lines 10-23).

Regarding claim 403, the media service provider is able to control the advertising within pay-per-view movies and menu screen or "includes handling of the advertising content and services (See Figs. 3 and 4).

Regarding claim 404, the media service provider is able to "bind" advertisements to "opportunities" within the contents of the broadcast stream and to the pay-per-view movies, which are inherently from other source or "numerous originators" (See Figs. 4 and 5).

Regarding claim 405, the media service provider also "maintains an inventory of opportunities in the content or services from the numerous originators", wherein the

contents of the broadcast stream have predetermined advertisement slots filled in with national advertisements by inherently other sources or "originators" or can be replaced with targeted advertisements by the media service provider operating the head end or placing advertisements with the pay-per-view movies that are also inherently from other sources or "originators" (See Fig. 5; column 13 lines 10-23).

Claim 423 contains the limitations of claims 380 and is analyzed as previously discussed with respect to that claim. Furthermore, the targeted advertisements disclosed by Swix are also considered "self-guiding advertisements", where each targeted advertisement includes information that enables the advertisement to be classified in a demographic group (See column 6 lines 8-24 and column 11 lines 23-33) which is used to direct or instruct the profile processor to create the full instructions needed to discover the appropriate inventory and bind the advertisements with the appropriate inventory.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 344 and 377 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swix et al. (US006718551B1) in view of Coleman (US20020026351A1).

Claim 344 contains the limitations of claims 343 and is analyzed as previously discussed with respect to that claim. However, Swix does not disclose that the information about the intended audience includes a mailing list.

Coleman discloses a method and system for delivering targeted commercial messages. Each commercial message contains selection criteria where it defines what groups the commercial is intended for, e.g. people within certain zip codes area or "mailing/address list" (See paragraph 0107). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the advertisements disclosed by Swix to include zip codes or "mailing/address list" of intended audience, as taught by Coleman, in order to provide a more efficient means of targeting advertisements.

Claim 377 contains the limitations of claims 344 and 376 and is analyzed as previously discussed with respect to those claims.

Claims 345, 346, 378, and 379 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swix et al. (US006718551B1) in view of Brown et al. (US006751299B1).

Claim 345 contains the limitations of claims 343 and is analyzed as previously discussed with respect to that claim. However, Swix does not disclose that the information about the intended audience includes a phone list.

Brown et al. (Brown) also discloses a method for targeting advertisements. Brown discloses that the advertisements have profiles that define certain criteria. The advertisement profiles define some characteristics of its targeted audience, e.g. area

code of the audience or "phone list" (See column 9 lines 8-45). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the advertisements disclosed by Swix to include area codes or "phone list" of intended audience, as taught by Brown, in order to provide a more efficient means of targeting advertisements.

Regarding claim 346, the advertisement profile discussed in claim 345 includes "scheduling information" (See Brown column 9 lines 25-30).

Claim 378 contains the limitations of claims 345 and 376 and is analyzed as previously discussed with respect to those claims.

Claim 379 contains the limitations of claims 346 and 347 and is analyzed as previously discussed with respect to those claims.

Claim 382 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swix et al. (US006718551B1) in view of Dedrick (US005724521A).

Claim 382 contains the limitations of claims 380 and is analyzed as previously discussed with respect to that claim. However, Swix does not explicitly disclose that the advertising content is from an advertiser's network.

Dedrick discloses a system method for providing advertisements to end users. Dedrick discloses a metering server that is able to forward advertisements to the users (See Fig. 1). The advertisements are provided by the publisher/advertiser or "importing advertising content from an advertiser's network" (See Fig. 1; column 3 lines 6-28 and column 4 lines 36-48). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Swix to

receive or "import" its advertisements from an "advertiser's network", as taught by Dedrick, in order to expand the resources available to the system thereby offering a wider variety of content/advertisements to the viewers.

Claim 391 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swix et al. (US006718551B1) in view of Knee et al. (US 20020095676A1).

Claim 391 contains the limitations of claim 388 and is analyzed as previously discussed with respect to those claims. However, Swix does not disclose importing ancillary data conveyed out-of-band from its associated content.

Knee et al. (Knee) discloses a method of delivering advertisement information within an interactive television system. Knee discloses that advertisement information is transmitted using various techniques, e.g. over an out-of-band channel (See paragraph 0023), wherein the advertisements information is considered "ancillary data" that is associated with various channels. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify the system disclosed by Swix to deliver or import ancillary data out-of-band from its associated content, as taught by Knee, in order to provide more bandwidth within the in-band channels thereby increasing the amount of information that can be carried within the in-band channels.

Response to Arguments

6. Applicant's arguments filed October 16, 2006 have been fully considered but they are not persuasive.

Applicant argues with respect to claims 308, 344-347, and 377-379 that Swix does not disclose that the advertising opportunities have a plurality of attributes and also does not suggest a binding function that complies a set of advertisements for binding to the inventory of advertising opportunities by matching information about the advertising content or guidance information against the attributes of an inventory of advertising opportunities. However, reading the claims in the broadest sense, Swix does meet all the limitations of the claims. The advertising opportunities have a plurality of attributes (e.g. the advertisement slots are associated with either a interactive session or a broadcast environment and are also associated with a customer profile/demographic group) (See Fig. 3, 300; Fig. 4, A1, A2, A4; Fig. 5, Ad 1; column 9 lines 17-44). Furthermore, Swix discloses that the binding function compiles a set of advertisements for binding to the inventory of advertising opportunities (e.g. the system is able to select and insert advertisements into various advertisement slots within menus, broadcast streams, and pay-per-view movies) (See Fig. 3, 300; Fig. 4, A1, A2, A4; Fig. 5, Ad 1; column 9 lines 17-44) by matching the additional information about the advertising content of each advertisement (e.g. information that enables the advertisement to be classified in a demographic group that the products and services would most appeal to) (See column 6 lines 8-24, column 11 lines 23-33, and column 12 lines 47-57) against the plurality of inventory attributes (e.g. the advertising opportunities are associated with either a interactive session or a broadcast environment and are also associated with a customer profile/demographic group) (See Fig. 3, 300; Fig. 4, A1, A2, A4; Fig. 5, Ad 1; column 9 lines 17-44).

Applicant further argues with respect to claims 380, 382, 391, and 423 that Swix does not disclose self-guiding advertisements includes one or more instructions, procedure, and software programs that discover inventory for binding to the advertisements. However, reading the claims in the broadest sense, Swix does meet all the limitations of the claims. Swix discloses targeted advertisements includes part of the instructions, where each targeted advertisement includes information that enables the advertisement to be classified in a demographic group which is used to direct or instruct the profile processor to create the full instructions needed to discover the appropriate inventory and bind the advertisements with the appropriate inventory (See column 6 lines 8-24, column 7 lines 19-42, column 11 lines 23-33, and column 12 lines 47-57).

Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph G. Ustaris whose telephone number is 571-272-7383. The examiner can normally be reached on M-F 7:30-5PM; Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGU
January 8, 2007

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